THE HON'BLE MS JUSTICE G.ROHINI

WRIT PETITION NO : 13987 of 2005

DATED:30-11-2005

Between:

Ch. Somaiah S/o,. Peda Kondaiah
Shop No. 10, Kondukur Town, Prakasam District.

..... PETITIONER

AND

1 The Joint Collector, Prakasam District.
2 The Revenue Divisional Officer, Kandukur, Prakasam District.
3 The Mandal Revenue Officer, Kandukur, Prakasam District.

.....RESPONDENT(S)

THE HONOURABLE MS.JUSTICE G.ROHINI

W.P.NO. 13987 OF 2005

ORDER:

Heard both the learned counsel and perused the material on record.

The writ petitioner is the authorized dealer in respect of Fair Price Town Shop No.10, Kandukur Mandal, Prakasam District. The second respondent-Revenue Divisional Officer by proceedings dated 9-2-2005 called upon the petitioner to explain as to why the authorization shall not be cancelled for committing certain irregularities specified there under. In response to the same, the petitioner submitted his explanation. Having considered the same, the second respondent by order dated 7-3-2005 suspended the authorization of the petitioner pending enquiry. Aggrieved by the said order, the petitioner preferred an appeal before the first respondent. The first respondent having entertained the appeal by order dated 19-04-2005 rejected the request of the petitioner to stay the order dated 7-3-2005. The said orders dated 7-3-2005 as well as 19-04-2005 are under challenge in this writ petition.

The learned counsel for the petitioner primarily contended that the impugned order of suspension was passed without hearing the petitioner and without affording reasonable opportunity to explain the allegations and therefore the same is liable to be set aside.

As can be seen from the impugned order, it is clear that the petitioner was issued a show cause notice and after considering the explanation, the said order was passed. Hence, the contention that the petitioner was not afforded an opportunity is without any substance.

However, the learned counsel for the petitioner vehemently contended that suspension pending enquiry cannot be for indefinite period and the impugned order is nothing but a final order by way of punishment. In support of his contention, the learned counsel for the petitioner placed reliance upon a decision of this Court in **Cherukuri Padma Dappalampadu Vs. The Joint Collector, Prakasam Dist.** The said decision does not attract to the case on hand for the simple reason that in the

impugned order itself, it is clearly stated that the suspension was only pending enquiry. Hence, it cannot be held that the impugned order was as a measure of punishment.

In the circumstances, the only relief that can be granted is to direct completion of the enquiry expeditiously.

Accordingly, the writ petition is disposed of with a direction to the second respondent to complete the enquiry initiated against the petitioner and to pass appropriate orders in accordance with law after affording the petitioner an opportunity of hearing, within a period of four weeks from the date of receipt of a copy of this order. No order as to costs.

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30-11-2005

Note:C.C. in three days.

B/o.

Stp